

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 13-0713 RE
)	
LISA JO PALMER)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about September 4, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Lisa Jo Palmer*, No. 13-0713 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Lisa Jo Palmer's real estate salesperson license (license no. 2002032322) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(10), (15), (16), and (19), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on April 2, 2014, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Charles Davis participated through conference call. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Rachel Flaster. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Default Decision, the Complaint upon which it was based and the record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Lisa Jo Palmer*, Case No. 13-0713 RE, issued September 4, 2013, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Lisa Jo Palmer as a real estate salesperson, license number 2002032322. Respondent's salesperson license was not current at all times

relevant to this proceeding. On May 12, 2013, Respondent's salesperson license was suspended pursuant to § 324.010, RSMo, for failure to pay and/or file income tax returns.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the Default Decision with the Complaint upon which the Default Decision was based, issued by the Administrative Hearing Commission dated September 4, 2013, in *Missouri Real Estate Commission v. Lisa Jo Palmer*, Case No. 13-0713 RE, takes official notice thereof, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated September 4, 2013, Respondent's real estate salesperson license, number 2002032322, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (10), (15), (16), and (19), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate salesperson license of Lisa Jo Palmer (license no. 2002032322) is hereby **REVOKED**. All evidence of licensure shall be immediately returned to the Commission.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 9th DAY OF April, 2014.

MISSOURI REAL ESTATE COMMISSION



Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE
COMMISSION,

Petitioner,

vs.

LISA JO PALMER,

Respondent.

No. 13-0713 RE

DEFAULT DECISION

On May 3, 2013, Petitioner Missouri Real Estate Commission (MREC) filed a properly pled complaint seeking to discipline Respondent Lisa Jo Palmer. Ms. Palmer was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service on July 25, 2013.

More than thirty days have elapsed since Ms. Palmer was served. Ms. Palmer has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2012), we enter a default decision against Ms. Palmer establishing that the MREC is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on September 4, 2013.

A handwritten signature in black ink, reading "Alana M. Barragan-Scott".

ALANA M. BARRAGÁN-SCOTT
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

MAY 03 2013

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI REAL ESTATE)
COMMISSION)
3605 Missouri Boulevard)
P.O. Box 1339)
Jefferson City, MO 65102,)

Petitioner,)

v.)

LISA JO PALMER)
1105 SE Talonia Dr)
Lees Summit, MO 64081)
Telephone: (816) 686-3503)

Respondent.)

Case #: 13-0713 RE

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through the Attorney General of the State of Missouri, and for its cause of action against Respondent, states the following:

1. The MREC is an agency of the State of Missouri, created and established pursuant to Section 339.120, RSMo Supp. 2012,¹ for the purpose of executing and enforcing the provisions of Chapter 339, RSMo, Real Estate Agents, Brokers, Appraisers, and Escrow Agents.

¹ All statutory citations are to the 2012 Cumulative Supplement to the 2000 Revised Statutes of Missouri unless otherwise noted.

2. Respondent, Lisa Jo Palmer ("Palmer"), holds a license as a real estate salesperson, license no. 2002032322.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100.2, RSMo.

4. On or about November 2, 2012, Palmer submitted an application for a real estate salesperson license with a check, no. 1298, in the amount of \$90 for the application fee.

5. On or about November 9, 2012, the MREC issued Palmer her real estate salesperson license.

6. On or about November 16, 2012, the MREC received notice that Palmer's check no. 1298 was returned due to insufficient funds.

7. Section 324.031.2, RSMo, regarding the payment of fees, states:

2. The division and its component agencies shall permit any licensee to submit payment for fees established by rule in the form of personal check, money order, or cashier's check. All checks or money orders shall be made payable to the appropriate board. Any check or financial instrument which is returned to the division or one of its agencies due to insufficient funds, a closed account, or for other circumstances in which the check or financial instrument is not honored may subject an individual to additional costs, substantial penalties, or other actions by the division or one of its agencies. . . . The division may require the payment of collection costs or other expenses. The affected board may establish penalty fees by rule and may suspend or revoke a

license if such behavior is repetitive or the licensee fails to pay required penalty fees.

8. On or about December 6, 2012, the MREC sent a letter to Palmer by regular mail at 1105 SE Talonia Drive, Lee's Summit, MO 64081, which was the address then registered with the MREC.

9. In the December 6th letter, the MREC advised Palmer that she was now required to pay a \$25 bad check replacement fee in addition to the application fee for a total of \$115.

10. Palmer did not respond within 30 days in writing or otherwise to the MREC's December 6th letter.

11. On or about January 10, 2013, the MREC sent a second letter by certified and regular mail to Palmer at 1105 Talonia Drive, Lee's Summit, MO 64081, which was the address then registered with the MREC.

12. In the January 10th letter, the MREC renewed its request for replacement funds for the returned check and advised Palmer that if payment was not forthcoming, the MREC might pursue disciplinary action against her license. The MREC also advised Palmer that failure to respond to the MREC's letters and requests was a violation of rule 20 CSR 2250-8.170, which states:

Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's

address currently registered with the commission,
will be sufficient grounds for taking disciplinary
action against that licensee.

13. Palmer did not respond within 30 days to the MREC's January
10th letter.

14. As of the filing of this Complaint, Palmer has not provided
replacement funds for check no. 1298.

15. As of the filing of this Complaint, Palmer has not paid the
application fee or bad check fees owing to the MREC.

16. Palmer's attempt to pay her application fee with check no. 1298
when insufficient funds were available in her bank account to cover the check
constitutes a false and/or fraudulent representation, and/or fraud, and/or
deceit.

17. Section 339.100.2, RSMo, setting forth grounds to discipline real
estate licenses, provides in relevant part:

2. The commission may cause a complaint to be filed
with the administrative hearing commission as
provided by the provisions of chapter 621, RSMo,
against any person or entity licensed under this chapter
or any licensee who has failed to renew or has
surrendered his or her individual or entity license for
any one or any combination of the following acts:

(10) Obtaining a certificate or registration of authority,
permit or license for himself or herself or anyone else by
false and fraudulent representation, fraud or deceit;

.....

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

.....

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

18. Based on Palmer submitting a check as part of her application from an account that held insufficient funds, cause exists to discipline Palmer's license pursuant to § 339.100.2(10), RSMo.

19. Cause exists to discipline Palmer's license pursuant to § 339.100.2(15), RSMo, because Palmer has failed to respond in writing to the MREC's written requests or inquiries, in violation of 20 CSR 2250-8.170(1).

20. Section 339.040, RSMo, establishes the criteria that must be established to hold a real estate broker's license and states, in relevant part:

1. Licenses shall be granted only to persons who present, and corporations, . . . whose officers, . . . present, satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

.....

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

21. Palmer's conduct, as alleged in this Complaint, is evidence that Palmer is not a person of good moral character and is not competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public; which would be grounds under § 339.040.1, RSMo, for the MREC to deny a license to Palmer, and thus provides cause for discipline under § 339.100.2(16), RSMo.

22. Palmer's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause for discipline under § 339.100.2(19), RSMo.

WHEREFORE, Petitioner prays this Administrative Hearing Commission to conduct a hearing in this case pursuant to Chapter 621, RSMo, and thereafter issue its findings of fact and conclusions of law that the Petitioner may discipline Respondent Palmer's real estate salesperson license under Chapter 339, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

CHRIS KOSTER
Attorney General

A handwritten signature in dark ink, appearing to read "Craig H. Jacobs", written over the printed name.

Craig H. Jacobs
Assistant Attorney General
Missouri Bar No. 48358

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